

REMARKS

Claims 19-23 and 28-38 are pending in the application.

Claims 19 and 28 have been amended.

Reconsideration of the rejections and objections set forth in the Office Action dated June 8, 2006 is respectfully requested.

Claim Objections

The examiner has objected to Claims 37 and 38 because “the claims are confusing” and “it appears that the time for validation is not presented on a screen by the patron but rather by the device having the screen itself.” Claims 37 and 38 have been amended to clarify that the return time is being displayed on a screen of the device.

Claim Rejection - 35 U.S.C. § 102 and § 103

Claims 19 and 28 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Waytena et al. (U.S. Patent No. 5,978,770). In addition, Claims 21, 23, 33, 34 and 37 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Waytena in view of Croughwell et al. (U.S. Patent No. 5,966,654). Claims 31 and 32 have been rejected as being unpatentable over Waytena in view of DeLorme et al. (U.S. Patent No. 5,948,040). Finally, Claims 35 and 36 have been rejected under 103(a) as being unpatentable over Waytena in view of Croughwell in view of DeLorme et al. For at least the following reasons, the examiner’s rejections are traversed.

Claims 19 and 28 have been amended to clarify that a return time is assigned to a patron so that the patron can return to the second queue. Unlike Waytena, the present application is directed to allowing patrons to return to a second queue that may or may not have other patrons waiting in line. Waytena’s reservation system, on the other hand, is a system in which a time slot is allocated to a patron so that the patron can access an attraction as soon as the reservation time elapses. This is evident by Waytena’s teachings on how to provisionally reserve a slot for a

patron. “The attraction computer processes the incoming reservation request to determine whether and when the reservation can be accommodated. A proposed reservation time is provisionally stored in a virtual queue and transmitted back to the PCD for confirmation or rejection by the patron.” *See Waytena*, column 3, lines 15-20. As such, Waytena allocates a reservation time for a specific slot at which time a patron can access the attraction. This reservation of time slots is what Waytena refers to as “a virtual queue.” Waytena attempts to prevent the formation of a second physical queue by maintaining a virtual queue. Therefore, according to Waytena’s system, if a patron arrives late and not at the reserved time to enter the attraction, the time slot of the patron is lost. “Similarly, if a reserved time passes, and the patron does not show up at the attraction within the predetermined or flexible grace period . . . the reservation is removed from local storage 206 and patron’s performance information store 202 is updated to reflect the patron’s arrival or failure to arrive in time for the reservation.” *See Waytena*, column 19, lines 12-19.

In Waytena, reservation times are for a specific arrival time at which the patron will be allowed in the attraction. Arrival time is crucial to the point that Waytena discusses GPS data of the patron to determine whether the patron will be able to arrive in time for the reservation. “If desired, additional alerts may be provided if the GPS data indicates that the patron is not proceeding in the direction of the attraction, that patron is not proceeding quickly enough to make the reservation time, or if the reservation has not been claimed at the appropriate time.” *See Waytena*, column 19, lines 3-8.

The reservation times as taught by Waytena are therefore for the attraction itself, not the virtual queue, as the patron in Waytena is already in a virtual queue. In contrast, the system provided herein is a return time system that provides a return time to the patron so that the patron can return to the second queue. Once the patron arrives to the second queue, the wait time of the second queue may or may not be zero time.

Accordingly, Waytena does not teach transmitting to the patron a response that includes at least one return time to the second queue. Likewise, Waytena does not teach distributing

media to said consumers, the media having an assigned time at which the customer may access at least one second queue. Accordingly, Claims 19 and 28 are not anticipated by Waytena. Claims 20, 21, 22, 23, 37 and 38 all depend from Claim 19. Because Claim 19 is not anticipated by Waytena, dependent claims 20-23, 37 and 38 are not anticipated by Waytena either. Dependent Claims 29-36 ultimately depend from Claim 28 and therefore because Claim 28 is not anticipated by Waytena, Claims 29-36 are not anticipated by Waytena either. It is respectfully requested that the rejections to Claims 19-23 and 28-38 be withdrawn.

Conclusion

Applicants have complied with all requirements made in the above referenced communication and submit that the claims are in condition for allowance. Accordingly, applicants respectfully request that a timely Notice of Allowance be issued in this case. Should matters remain, which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicants' undersigned agent.

The Director is authorized to charge any additional fee(s) or any underpayment of fee(s), or to credit any overpayments to Deposit Account Number **50-2638**. Please ensure that Attorney Docket Number 58085-010201 is referred to when charging any payments or credits for this case.

Respectfully submitted,



Pablo Tapia
Reg. No. 52,275

Date: December 8, 2006

Customer Number 46560
GREENBERG TRAURIG, LLP
2450 Colorado Avenue, Suite 400E
Santa Monica, CA 90404
Phone: (310) 586-6512
Fax: (310) 586-7800
E-mail: tapiap@gtlaw.com
laipmail@gtlaw.com